



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on January 8, 2013.

Date of Meeting: April 24, 2012

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:31 p.m., on Tuesday, April 24, 2012, all members having been notified of the time and place thereof.

1. **ROLL CALL**

The meeting was called to order by Mayor Rothschild and upon roll call, those present and absent were:

Present:

Regina Romero
Paul Cunningham
Karin Uhlich
Shirley C. Scott
Richard G. Fimbres
Steve Kozachik
Jonathan Rothschild

Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Vice Mayor, Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda
Michael Rankin
Roger W. Randolph

City Manager
City Attorney
City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Reverend Nathan Gladish, Sunrise Chapel, after which the Pledge of Allegiance was led by the Tucson Fire Department's (TFD) Color Guard and Council Member Shirley C. Scott.

Presentations:

- a. Mayor Rothschild, assisted by Council Member Fimbres, proclaimed April 22 to April 28, to be "Bully Prevention Week." Guadalupe Romero accepted the proclamation. Certificates were presented to Utterback Middle School Students who participated in the Bullying Prevention Ambassadors program.
- b. Mayor Rothschild proclaimed May 1 to 7, as "Correctional Officers Week." Raul A. Munoz accepted the proclamation.
- c. Mayor Rothschild proclaimed April 24 to be "Outstanding Teen Citizen Day." Clarissa Gonzales accepted the proclamation.
- d. Mayor Rothschild presented the Crystal Apple Youth Award to Emily Watson, Sunnyside High School and Outstanding Teen Certificates to Drema Harmon, Marana High School; John Fomeche, Sunnyside High School; Enisa Urquidez, Billy Lane Lauffer Middle School; Virginia Priest, Vail Academy & High School; Bill De la Rosa, Pueblo Magnet High School and Olivia Larsen, St. Gregory College Preparatory High School.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 153, dated April 24, 2012, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

Current event reports were provided by Council Members Romero, Cunningham, Uhlich, Scott, Fimbres, Vice Mayor Kozachik, and Mayor Rothschild. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 154, dated April 24, 2012, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Current event report was given by Richard Miranda, City Manager. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 156, dated April 24, 2012, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Application(s)

New License(s)

1. Tooley's Cincuenta, Ward 6
50 E. Broadway Blvd.
Applicant: Lucas Wayne Anable
Series 12, City 21-12
Action must be taken by: May 6, 2012

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument in Favor Filed

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person/Location Transfer(s)

2. Creative Juice, Ward 2
6530 E. Tanque Verde Rd. #160
Applicant: Kevin Arnold Kramber
Series 7, City 22-12
Action must be taken by: May 7, 2012

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. The Rockin' Pinups, Ward 3
1102 W. Grant Rd.
Applicant: Meagan Lea Ross
City T41-12
Date of Event: May 11, 2012
(Concert)

Staff has indicated the applicant is in compliance with city requirements.

2. The Centurions, Ward 6
Congress St./5th Ave.
Applicant: William B. Hussey
City T42-12
Date of Event: May 19, 2012
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

3. St. Ambrose Catholic School, Ward 6
300 S. Tucson Blvd.
Applicant: Emma A. Chavez
City T43-12
Date of Event: May 16, 2012
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

NOTE: There are no application(s) for agent changes scheduled for this meeting.

It was moved by Vice Mayor Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b2 and 5c1 through 5c3 to the State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Rothschild announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

Mayor Rothschild also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers.

However, the Mayor and Council may not discuss or take legal action on matters raised during “call to the audience.”

Comments were made by:

Robert Reus
Raj Kohli

Ken Johnson
Keith Van Heyningen

Willie Phelan
David Hill

A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

7. CONSENT AGENDA – ITEMS A THROUGH C

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

a. APPROVAL OF MINUTES

1. Report from City Manager APR24-12-152 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of October 18, 2011

b. HUMAN RESOURCES: TIME EXTENSION REQUEST REGARDING MANDATORY RETIREMENT AGE FOR RICHARD MANRIQUEZ

1. Report from City Manager APR24-12-155 CITY WIDE

c. AGREEMENT: WITH THE ARIZONA OFFICE OF ENERGY POLICY FOR THE SOLAR GRANT PROGRAM

1. Report from City Manager APR24-12-157 CITY WIDE
2. Resolution No. 21886 relating to an Agreement with the State of Arizona Office of Energy Policy (OEP) regarding City of Tucson participation in a one-year federal solar grant program designed to reduce costs of solar installations throughout Arizona, and declaring an emergency.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – c be passed and adopted and the proper action taken.

8. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPROVEMENTS TO 22ND STREET FROM KINO PARKWAY TO PARK AVENUE

Mayor Rothschild announced City Manager's communication number 147, dated April 24, 2012, was received into and made part of the record. He asked the City Clerk to read Resolution 21884 by number and title only.

Resolution No. 21884 relating to Transportation; authorizing and approving the Fifth Amendment to the Intergovernmental Agreement for transportation funding between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson for the 22nd Street Corridor Project from Kino Parkway west to Park Avenue; and declaring an emergency.

Council Member Fimbres commented on the property and requested that staff provide a brief presentation regarding the property.

Hector Martinez, Real Estate Program Director, updated the Mayor and Council on the history of the property and how it came about to the City. He explained the Advanced Acquisition Property Financial Hardship program as it related to roadway purposes. He stated that based on the *Major Streets & Routes Plan*, the right-of-way would take affect over half of the property, leaving approximately 8,000 square feet. He stated that upon review, the Real Estate Program recommended approval.

Council Member Cunningham asked if after the improvements were done, the remaining 8,000 square feet reverted back to the Regional Transportation Authority (RTA).

Mr. Martinez responded affirmatively and stated that the City of Tucson controlled the right-of-way portion under the jurisdiction of the city engineer.

Council Member Cunningham asked if there was any way that the RTA and the City could allot funds from the sale of the remaining property to long-term road maintenance.

Mr. Martinez stated that typically with remnants, if large enough to abutting properties were made available for purchase or if there are ancillary projects associated to the roadway projects, such as enhanced landscaping, that will also be looked at. He said if it was truly a remnant, it could be sold and used for alternative uses.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 21884.

9. REAL PROPERTY: AUTHORIZATION TO ACQUIRE REAL PROPERTY AT 909 EAST 22ND STREET FOR THE 22ND STREET CORRIDOR PROJECT

Mayor Rothschild announced City Manager's communication number 148, dated April 24, 2012, was received into and made part of the record. He asked the City Clerk to read Resolution 21885 by number and title only.

Resolution No. 21885 relating to Real Property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located at 909 East 22nd Street under the Advanced Acquisition Program for the 22nd Street Corridor project (22nd Street: Interstate 10 to Tucson Boulevard); and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 21885.

10. CITY MAGISTRATES: APPOINTMENT OF A CITY MAGISTRATE AND FIXING COMPENSATION

Mayor Rothschild announced City Manager's communication number 150, dated April 24, 2012, was received into and made part of the record. He asked the City Clerk to read Ordinance 10975 by number and title only.

Ordinance No. 10975 relating to City Magistrates; appointing a City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10975 naming Michael P. Pollard as City Magistrate.

11. CITY MAGISTRATES: APPOINTMENT OF SPECIAL CITY MAGISTRATES

Mayor Rothschild announced City Manager's communication number 149, dated April 24, 2012, was received into and made part of the record. He asked the City Clerk to read Ordinance 10973 by number and title only.

Ordinance No. 10973 relating to City Magistrates; appointing Stephen T. Portell as Special City Magistrate to serve upon call by the presiding Magistrate of the City Court; fixing compensation; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10973 naming Stephen T. Portell as Special City Magistrate.

Mayor Rothschild asked the City Clerk to read Ordinance 10974 by number and title only.

Ordinance No. 10974 relating to City Magistrates; appointing Clinton R. Stinson as Special City Magistrate to serve upon call by the presiding Magistrate of the City Court; fixing compensation' and declaring an emergency.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10974 naming Clinton R. Stinson as Special City Magistrate.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 151, dated April 24, 2012, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Al Estrada to the Veterans' Affairs Committee (VAC).

Mayor Rothschild asked if there were any personal appointments to be made.

There were no personal appointments made.

13. ADJOURNMENT: 6:44 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, May 8, 2012, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 24th day of April 2012, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:kt:ds